

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

PROGRESSIVE AMERICAN INSURANCE  
COMPANY,

Plaintiff,

V.

CAROL THORN; JOLEEN LEEA COLON;  
DALE EUGENE KIRKINDOLL; ELIZABETH  
S. KIRKINDOLL; THOMAS HOLT  
KIRKINDOLL; JAMES W. GRIFFIN; SANDRA  
L. GRIFFIN; PATRICK A. BELT;  
CHRISTOPHER B. BELT; GENE  
STEGMAIER; ESTATE OF WILLIAM R  
KLAUSS, a deceased minor, LV STABLE  
MEMORIAL HOSPITAL; DRPT. LAKE  
REHABILITATION CENTER; BUTLER  
COUNTY EMERGENCY MEDICAL  
SERVICES.

Defendants.

[illegible]

CIVIL ACTION NO: 2:06cv 717-ID

**DEFENDANTS DALE KIRKINDOLL, ELIZABETH KIRKINDOLL,  
AND THOMAS HOLT KIRKINDOLL’S REPLY TO PLAINTIFF’S RESPONSE TO  
SUMMARY JUDGMENT**

COME NOW the above referenced Defendants and submits to the Court their reply to Plaintiff's response to summary judgment as follows:

1. Plaintiff's response is based solely upon the allegation that summary judgment is premature. There is no opposition to the Defendant's rendition of the facts or their claim for the Progressive monies at issue. In short, there is no material issue of fact in this case and summary judgment is due to be granted.
2. No other parties have come forward and claimed an interest in these monies.
3. Based upon the undisputed facts and amount of monetary claims made by the

Defendants Kirkindoll, the presence of any other “potential” Defendants is unnecessary for the issuance of summary judgment.

The Kirdindoll Defendants pray this court to enter summary judgment in their favor for the full amount of Progressive’s insurance policy as set forth in their Motion for Summary Judgment.

Respectfully submitted,

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BY: /s/ SIDNEY W. JACKSON, III  
SIDNEY W. JACKSON, III(JAC024)  
MATHEW B. RICHARDSON (RIC050)

CERTIFICATE OF SERVICE

I hereby certify that I have on this day 27<sup>th</sup> of April, 2007, served a copy of the foregoing pleading with te Clerk of the Court using the CM/CEF system which will send notification of such filing to the following:

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